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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,062	12/11/2000	Matthew D. Brown	91436-289	2762
22463	7590	08/13/2004	EXAMINER	
SMART AND BIGGAR 438 UNIVERSITY AVENUE SUITE 1500 BOX 111 TORONTO, ON M5G2K8 CANADA			LOHN, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/733,062	Applicant(s) BROWN ET AL. 	
	Examiner Joshua A Lohn	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION***Terminal Disclaimer***

The terminal disclaimer filed on 6/10/2004 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of United States Patent No. 6,505,310 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

Applicant's arguments filed 7/7/2004 have been fully considered but they are not persuasive. In response to applicants arguments regarding that Roberts fails to disclose "selecting one of said plurality of output signals as a selected output signal", the examiner respectfully disagrees. The examiner agrees that figures 2 and 4 display only a single output signal, however it is stated in column 3, lines 56-57, that for each output the comparison means exists. Thus, each of the plurality of outputs (column 3, lines 43-53) would have the comparison means. Even through they are all connected through the same monitoring unit, such as that of figure 2, each output is selected independently to act as the selected output signal for the purpose of monitoring its own connection to an input selected by the connection control signals. From the perspective of an output of the comparison it is shown that each aspect of the comparison means will have a single output signal connected to a single input through the connection control, and thereby satisfy the limitations of claim 1.

With respect to the applicant's arguments regarding the advantages of the applicant's system over the system of Roberts, these arguments are inconsequential to the determination of the novelty of claim 1 as currently claimed.

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As per the above response the rejection of claims 1-7 is maintained.

Applicant's arguments, see page 7, filed 7/7/2004, with respect to claims 8-12 have been fully considered and are persuasive. The rejection of claims 8-12 has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts, United States Patent no. 6,005,695, filed June 13, 1996.

As per claim 1, Roberts discloses a method for monitoring a connection unit, see element 1 of figure 2. Roberts also discloses receiving connection control signals, see column 3, line 66 through column 4, line 6. Roberts discloses receiving a plurality of input signals and a plurality of output signals, see column 3, lines 44-55. Roberts discloses selecting one of the plurality of inputs and one of the plurality of outputs to be the selected signals, see column 3, lines 56-65. Roberts discloses at least one of the selected input and selected output is selected based upon the connection control signals, see column 4, lines 1-6. Roberts discloses determining a connection integrity status indicator from the selected input and the selected output, see column 1, lines 40-46.

As per claim 2, Roberts discloses the connection integrity status indicator comprises generating a signal indicative of a difference between the selected input and the selected output, see column 4, lines 21-60, where the correlation is calculated and output.

As per claim 3, Roberts discloses if the difference indicative signal exceeds a threshold, indicating a connection fault, see column 1, line 64 through column 2, line 3, where the threshold must be exceeded to avoid false indication of faults.

As per claim 4, Roberts discloses before the generating, matching a delay of the selected input to a delay of the selected output signal, see column 4, lines 34-36.

As per claim 5, Roberts discloses the selecting of both one input and one output signal is based on the connection control signals, see column 3, line 66 through column 4, line 6, where a control signal is used to determine the correlation of the output and input signal that is selected to be used in the fault detection system.

As per claim 6, Roberts discloses the selecting of the one input signal is performed arbitrarily, see column 3, line 66 through column 4, line 6, where the selection is based upon having a correct input and output relationship, no requirement is made as to which input, and its related output, need be selected.

As per claim 7, Roberts discloses the selecting of the one output signal is performed arbitrarily, see column 3, line 66 through column 4, line 6, where the selection is based upon having a correct input and output relationship, no requirement is made as to which output, and its related input, need be selected.

Allowable Subject Matter

Claims 8-12 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: claims 8-12 are allowable due to the inclusion of the limitations, when taken in the context of all the limitations of the claims as a whole, of “a comparison map for receiving said connection control signals; an input selection circuit for: receiving said plurality of input signals; selecting one of said plurality of input signals as a selected input signal; an output selection circuit for: receiving said plurality of output signals; selecting one of said plurality of output signals as a selected output signal; where at least one of said selecting one of said plurality of input signals and said selecting one of said plurality of output signals is based on said connection control signals”.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on included form PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A Lohn whose telephone number is (703) 305-3188. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAL


SCOTT BADERMAN
PRIMARY EXAMINER